City of Gaithersburg Four-Factor Analysis and Language Access Plan

City of Gaithersburg

31 South Summit Avenue

Gaithersburg, MD 20877

301 258-6320

It is the policy of the City of Gaithersburg to take reasonable steps to provide meaningful access to Limited English Proficient (LEP) persons interested in participating in housing and community development programs and/or other federally funded City programs and facilities.

3/31/2017

Four Factor Analysis

City of Gaithersburg, Maryland

Introduction/Background

The City of Gaithersburg is a recipient of federal funds ("grantee") through the US Department of Housing and Urban Development (cognizant agency), and among other federal requirements, must comply with Title VI of the Civil Rights Act of 1964 (*42 USC Section 200d, et seq.*), which protects individuals from discrimination on the basis of race, color or national origin in programs that receive federal financial assistance. Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English are considered to be Limited English Proficient (LEP) and may be entitled to language assistance under Title VI in order to receive services.

On August 11, 2000, President William J. Clinton signed Executive Order 13166, *"Improving Access to Services for Persons with Limited English Proficiency,"* requiring federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency, and develop and implement a system to provide those services so LEP persons can have meaningful access to them. On January 20, 2007, HUD issued its final guidance "to help recipients of federal financial assistance take reasonable steps to meet their regulatory and statutory obligations to ensure that limited English proficient (LEP) persons have meaningful access to HUD programs and activities."

In addition to State and local governments, other recipients of HUD assistance requiring compliance with Title VI include public housing and assisted housing providers, and other entities receiving funds directly or indirectly from HUD. Sub-recipients and state grant recipients are also covered when federal funds are passed to them through a grantee. Moreover, coverage extends to a recipient's entire program or activity, (i.e., to all parts of a recipient's operations.)

As recipients of federal funds, grantees are required to take *reasonable* steps to ensure meaningful access to their programs and activities by LEP persons. In order to do so, the initial step should be an analysis that evaluates the following four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
2. The frequency with which LEP persons come in contact with the program;
3. The nature and importance of the program, activity or service provided by the program to people's lives; and
4. The resources available to the grantee/recipient and costs.

The federal government recognizes that requiring grantees to comply may impose an undue burden, particularly on small entities such as Gaithersburg, and therefore allows some flexibility in how meaningful access is applied. For example, a telephone service line (LLE or Language Line) or another agency within the community with bilingual staff may be called upon to provide oral interpretation as long as such services are provided without unreasonable delay.

United States citizenship does not determine if a person is LEP. It is possible for a person who is a US citizen to be LEP and it is also possible for a person who is not a US citizen to be fluent in the English language. Title VI is interpreted to apply to citizens, documented non-citizens, and undocumented non-citizens. Therefore, Title VI LEP obligations apply to every beneficiary who meets the program requirements, regardless of the beneficiary's citizenship status.

Grantees are required to make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons to the recipient's programs and activities. To do this, the recipient should:

1. Conduct the four-factor analysis;
2. Develop a Language Access Plan (LAP); and
3. Provide appropriate language assistance.

The actions that the recipient may be expected to take to meet its LEP obligations depend upon the results of the four-factor analysis including the services the recipient offers, the community

the recipient serves, the resources the recipient possesses, and the costs of various language service options. All organizations would ensure nondiscrimination by taking reasonable steps to ensure meaningful access for persons who are LEP. HUD recognizes that some projects' budgets and resources are constrained. These constraints may impose a material burden upon the projects. Where a HUD recipient can demonstrate such a material burden, HUD views this as a critical item in the consideration of costs in the four-factor analysis. However, refusing to serve LEP persons or not adequately serving or delaying services to LEP persons would violate Title VI. The agency may, for example, have a contract with another organization to supply an interpreter when needed; use a telephone service line interpreter; or, if it would not impose an undue burden, or delay or deny meaningful access to the client, the agency may seek the assistance of another agency in the same community with bilingual staff to help provide oral interpretation service.

Recipients are required to take reasonable steps to ensure meaningful access to LEP persons. This "reasonableness" standard is intended to be flexible and fact-dependent. It is also intended to balance the need to ensure meaningful access by LEP persons to critical services while not imposing undue financial burdens on small businesses, small local governments, or small nonprofit organizations. As a starting point, a recipient may conduct an individualized assessment that balances the following four factors: The number or proportion of LEP persons served or encountered in the eligible service population includes those persons who would be served or encountered by the recipient if the persons received adequate education and outreach and the recipient provided sufficient language services); the frequency with which LEP persons come into contact with the program; the nature and importance of the program, activity, or service provided by the program; and the resources available and costs to the recipient.

Examples of language assistance would include oral interpretation, bilingual staff, telephone service interpreters, providing written translation services, notices to staff and recipients of the

availability of LEP services, and referrals to community liaisons proficient in the language of the LEP persons.

Four Factor Analysis:

The following Analysis serves as the guide for determining what language assistance measures the City will undertake to ensure access to the Gaithersburg Community.

1. **Number or proportion of LEP persons served or encountered in the eligible service population (served or encountered includes those persons who would be served by the recipient if the person received education and outreach and the recipient provided sufficient language services).**

    The American Community Survey (ACS) 5 year estimates (2010 - 2014) offer a current and reliable estimate of the number of LEP persons in the City of Gaithersburg. According to the 2014 ACS survey (B16001), of the total City population five years or older (57,957), nearly half (48 percent) speak a language other than English at home, and more than one fifth (21 percent) speak English less than "very well." Further, the City of Gaithersburg meets the 5 percent or 1,000 LEP persons threshold for Spanish speakers and Speakers of Chinese (primarily Mandarin), respectively. (**Appendix A** for City and County breakdown.)

    Another factor in determining Limited English Proficiency is through direct interactions and through outreach to County and local agencies working with low and moderate income households. Although French speakers do not meet the threshold of 5 percent or 1,000 LEP persons, staff have determined a high number of French-speaking Africans and West Africans seeking homeownership through the Gaithersburg Homebuyer Assistance Loan Program (GHALP) who do not speak English well enough to fully understand the program parameters without some form of language assistance.

2. **The frequency with which LEP persons come into contact with the program.**

    The City offers housing assistance through two HUD-funded programs: Downpayment and closing cost assistance for first-time low and moderate income homebuyers and rent and utility

assistance to eligible low-income City residents. As such, LEP residents are likely to have considerable direct contact with the programs and with City Staff. Employees in the Housing and Community Development Division, Community Services and Homeless Services Divisions have numerous opportunities to interact with LEP residents. The table below lists the top six languages that Gaithersburg residents speak less than very well:

LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH "less than very well" (of 57,959)	Count	Percent
Spanish:	6,581	11.4%
Chinese: (Mandarin)	1,602	2.8%
French:	522	0.9%
Persian:	399	0.7%
Korean:	377	0.7%
Russian:	369	0.6%

The nature and importance of the program, activity, or service provided by the program.

In order to purchase a home, a prospective buyer must navigate a complicated and often-confusing system that includes interactions with real estate agents, lending institutions, title companies, appraisers and inspectors, among other agencies. For first-time buyers, and particularly LEP persons, this process can be fraught with misunderstandings that may jeopardize the purchase or result in higher interest rates, closing costs or financial penalties.

Although borrowers self-reporting as Hispanic or Latino represent the largest population of buyers, staff has also identified French speakers primarily from West Africa as highly motivated first-time home buyers. Although a significant number of Asian persons seek services from the City, the vast majority of those who do speak English well. However, the threshold of more than 1000 LEP speakers of Chinese would require the City to provide essential services in Mandarin. The greatest percentage and number of non-English speaking residents seeking rental assistance are Spanish speakers.

The following HUD-related programs would require written translations in addition to interpretation services:

1. First time homebuyer assistance and MPDU programs;
2. Rental and utility assistance programs; and
3. Fair Housing Information

3. The resources available and costs to the recipient.

Relative to similar-size cities, Gaithersburg has a small staff, with just over 300 full-time employees. Of that number, 22 are currently certified[1] to provide language assistance to anyone requesting assistance in Spanish or Arabic. Although not certified, a subset of staff do speak other languages, and would be available to assist LEP persons with French, Cantonese or Mandarin, and Persian and Indonesian.

Montgomery County, which has its own Language Access Plan, provides a large number of "essential documents" for multiple departments in six primary languages (Spanish, Mandarin, French, Amharic, Korean and Vietnamese) that may be available online or by print at Department and Agency offices. Essential documents not available through the County or through other agencies, including the Montgomery County Gilchrist Center or MCAEL, will be made available by the City in Spanish and Chinese. Additionally, each County Department website has a link to google translate. Although any use of online translation services should be minimal, it can provide a good base for having an experienced translator review and finalize the document. With those caveats, it can minimize overall costs and can hasten the translation process.

As part of a comprehensive housing counseling program, the City contracts with a local nonprofit agency to provide bilingual counseling specifically to Spanish-speaking residents. Additionally, there are several County-sponsored housing counseling agencies, including HUD

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[1] Certified employees have passed an oral and written test in the identified language

certified agencies, providing rental housing and homebuyer education in Spanish and certain Asian languages.

As noted earlier, internet sites can be utilized to translate some written materials, and many of the common forms used in the implementation of a CDBG project are available in multiple languages on the HUD, Montgomery County and Department of Labor websites. For documents that require translations not otherwise available, they are eligible CDBG administrative costs, which may be reimbursed by HUD. That said, most jurisdictions that receive CDBG funds use the maximum allowable, leaving few dollars available for LEP-related costs.

As a result of this Analysis, the City of Gaithersburg has identified the types of language assistance to be provided to LEP populations. Attached is the City's required Language Access Plan which describes how LEP persons can access language assistance and what documents and methods of oral interpretation the City shall provide either directly or through other entities.

LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH
"less than very well"

Language (population 5 years and older)	City of Gaithersburg	57,957		Montgomery County	951,302
Spanish:	6,581	11.35%		64,259	6.75%
Chinese:	1,602	2.76%		16,351	1.72%
French:	522	0.90%		5,752	0.60%
African languages:	495	0.85%		8,840	0.93%
Persian:	399	0.69%		2,963	0.31%
Korean:	377	0.65%		7,294	0.77%
Russian:	369	0.64%		2,905	0.31%
Other Asian languages:	284	0.49%		1,846	0.19%
Vietnamese:	283	0.49%		6,769	0.71%
Other Indic languages:	234	0.40%		2,649	0.28%
Urdu:	189	0.33%		1,041	0.11%
Arabic:	154	0.27%		1,079	0.11%
Hindi:	128	0.22%		1,226	0.13%
French Creole:	96	0.17%		925	0.10%
Tagalog:	88	0.15%		1,901	0.20%
Thai:	71	0.12%		662	0.07%
Polish:	68	0.12%		313	0.03%
Portuguese:	64	0.11%		2,231	0.23%
Armenian:	54	0.09%		307	0.03%
Other Indo-European:	41	0.07%		320	0.03%
Gujarti:	24	0.04%		964	0.10%
Italian:	11	0.02%		586	0.06%
Japanese:	8	0.01%		1,308	0.14%
Serbo-Croation:	6	0.01%		203	0.02%
Other Pacific Island languages	2	0.00%		712	0.00%
Totals	**12,150**	**20.96%**		**136,331**	**14.3%**

ACS 2010 – 2014 (B16001 and B16004)

☐ Cocher ici si vous lisez ou parlez le français.	13. French
☐ Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
☐ Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
☐ Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
☐ अगर आप हिन्दी बोलते या पढ़ सकते हों तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
☐ Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
☐ Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.	19. Hungarian
☐ Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
☐ Marchi questa casella se legge o parla italiano.	21. Italian
☐ 日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
☐ 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
☐ ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
☐ Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

☐ Assinale este quadrado se você lê ou fala português.

26. Portuguese

☐ Însemnaţi această căsuţă dacă citiţi sau vorbiţi româneşte.

27. Romanian

☐ Пометьте этот квадратик, если вы читаете или говорите по-русски.

28. Russian

☐ Обележите овај квадратић уколико читате или говорите српски језик.

29. Serbian

☐ Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.

30. Slovak

☐ Marque esta casilla si lee o habla español.

31. Spanish

☐ Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.

32. Tagalog

☐ ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.

33. Thai

☐ Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.

34. Tongan

☐ Відмітьте цю клітинку, якщо ви читаєте або говорите українською мовою.

35. Ukranian

☐ اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگا ئیں۔

36. Urdu

☐ Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.

37. Vietnamese

☐ באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.

38. Yiddish

☐ ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.

1. Arabic

☐ Խնդրում ենք նշում կատարեք այս քառակուսում, եթե խոսում կամ կարդում եք հայերեն:

2. Armenian

☐ যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।

3. Bengali

☐ សូមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។

4. Cambodian

☐ Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.

5. Chamorro

☐ 如果你能读中文或讲中文，请选择此框。

6. Simplified Chinese

☐ 如果你能讀中文或講中文，請選擇此框。

7. Traditional Chinese

☐ Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.

8. Croatian

☐ Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.

9. Czech

☐ Kruis dit vakje aan als u Nederlands kunt lezen of spreken.

10. Dutch

☐ Mark this box if you read or speak English.

11. English

☐ اگر خواندن و نوشتن فارسي بلد هستيد، اين مربع را علامت بزنيد.

12. Farsi